

III, full-time (17), Security Guard, full-time (1), Office Assistant, part-time (1), Custodian, part-time (1), Library Assistant, part-time (6), Library Book Processor, part-time (1), Janitor, part-time (1) and Library Ethnic Coordinator, part-time (1). That Petition specifically excluded the Library Director and Library Assistant Director as supervisory and an Administrative Secretary as confidential. The Trustees of the Nashua Public Library filed an Exceptions and Answer on September 18, 1992 seeking supervisory exclusions for the Custodian, Librarian II's and the Business Municipal Librarian and a confidential exclusion for the part-time Office Assistant. This matter was then heard by the PELRB on November 12, 1992, as to the contested positions only.

FINDINGS OF FACT

1. The Nashua Public Library, by and through its Board of Trustees, is a "public employer" of personnel working in its facilities as defined by RSA 273-A:1 X.
2. The Nashua Public Library is organized under eight (8) subdivisions or departments which report to the Assistant Director and Director. Each of the sub-divisions is headed by a Librarian II or equivalent. The subdivisions are (1) adult services which includes the Business Municipal Librarian as an additional subpart, (2) circulation, (3) music, art and media, (4) children's services, (5) technical services, (6) bookmobile, (7) maintenance (headed by the Custodian I), and (8) Chandler Branch.
3. The Librarian II's, Business/Municipal Librarian and Custodian I all perform a majority of their duties working along with other employees in their various areas of specialization rather than in a supervisory capacity or role. None has the authority to approve hiring or firing. Evidence before the PELRB was that poor performance referred to the Assistant Director or Director by a Librarian II resulted in no action being taken against the poorly performing employee. This group of employees may attend meetings and consult with the Director or Assistant Director relative to problems and policies within the library and serves as an information conduit to other employees in their respective subdivisions.
4. Librarian II's who head the various operational subdivisions of the library are alerted by the Assistant Director when position vacancies occur. The Librarian II and the Assistant Director

jointly compile a job advertisement for the newspaper and professional journals after which the Librarian II is tasked to call in various applicants, interview them, and make recommendations (consisting of one or more names) to the Director or Assistant Director. The Assistant Director, according to his testimony, then always interviews the recommended candidate(s) before hiring decisions are made. The job description for the Librarian II at Adult Services references interviewing candidates for job openings; job descriptions for other Librarian II's make no such reference.

5. The vast majority (quantitatively by text and by time devoted) of job content contained in job descriptions for Librarian II's makes reference to functional activities in their respective subdivisions. Reference to managerial functions, when made, is limited to broad areas such as "supervision," "personnel development," "training," and "scheduling." Three of the five Librarian II job descriptions submitted as exhibits provide "the work is performed under the general direction of the Director [Chief Librarian] and Assistant Director [Assistant Librarian]," thus suggesting limited use of "the significant exercise of discretion" as found in RSA 273-A:8. (Emphasis added). While at least one job description for a Librarian II (Adult Services) suggests a responsibility of making "periodic evaluations of work of staff members," we find no evidence that this has been accomplished in a consistent or formal (written) manner for a period of several years.
6. The Custodian I is the equivalent to a Librarian II in the Maintenance subdivision. While the organizational chart shows security guard and janitorial personnel assigned to this subdivision, there is no evidence before the PELRB that the Custodian I has accomplished performance evaluations on these employees or "exercised supervisory authority involving the significant exercise of discretion" such as to warrant the exclusion of this position from the bargaining unit under RSA 273-A:8 II.
7. The Business/Municipal Librarian is compensated on the same scale as a Librarian II and works with other employees compensated in the range of Librarian Assistant II's, full-time or part-time. There is no evidence before the PELRB that the

Business/Municipal Librarian has accomplished performance evaluations on these employees or "exercised supervisory authority involving the significant exercise of discretion" such as to warrant the exclusion of this position from the bargaining unit under RSA 273-A:8 II.

8. The part-time Office Assistant works in the administrative section of the Library (as distinguished from the other subdivisions previously referenced herein) and is subject to the "general supervision" of the Administrative Secretary, whose position has been excluded as confidential. RSA 273-A:1 IX (c). Neither the job description for the Office Assistant nor testimony before the PELRB discloses any duties assigned to or performed by this job title related to labor relations matters. While it is acknowledged that this employee may type minutes of meetings of the Trustees, may be involved in budget computations, and may prepare or have access to correspondence involving employees, there is no indicated labor relations involvement and, therefore, insufficient grounds for a confidential exclusion under RSA 273-A:1 IX (c). While the Assistant Director described this employee's ten (10) foot work proximity to the exempted Administrative Secretary and called the Office Assistant "a very sensitive position," this, too, is insufficient to warrant exclusion from the bargaining unit since management already has an exempted employee (Administrative Secretary) capable of handling confidential matters and the Office Assistant's future involvement in labor relations matters would be speculative at best.
9. Both the agreed-upon and challenged job titles work in the vicinity of the Nashua Public Library or its satellite operations (Chandler Branch, bookmobile), are subject to the same work rules and conditions of employment, enjoy the same fringe benefits, and are currently covered by the Library's "Personnel Handbook" which was received and issued in July of 1988. Thus, all positions whether agreed to or challenged, enjoy a community of interest as defined by RSA 273-A:8 I (a), (c) and (d).

DECISION AND ORDER

Based on the foregoing analysis and findings of fact, we find no basis to exclude any of the challenged positions from the

bargaining unit on the basis of confidentiality [RSA 273-A:1 IX (c)] or true supervisory duties and authority (RSA 273-A:8). We direct that a bargaining unit be created consisting of:

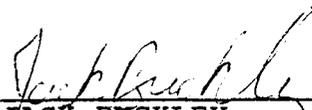
Library Community Services Coordinator, full-time;
Library Exhibits Coordinator, full-time; Custodian
I, full-time; Librarian II, full-time; Business
Municipal Librarian, full-time; Reference Librarian,
full-time; Library Assistant I, II and III, full-
time; Security Guard, full-time; Office Assistant,
part-time; Custodian, part-time; Library Assistant,
part-time; Library Book Processing, part-time;
Janitor, part-time; and Library Ethnic Coordinator,
part-time;

Excluded: Library Director, Library Assistant Director
and Administrative Secretary.

An election should be held by PELRB in accordance with RSA
273-A:10 and PELRB Rules as expeditiously as possible.

So ordered.

Signed this 3rd day of December, 1992.



JACK BUCKLEY
Alternate Chairman

By unanimous vote. Alternate Chairman Jack Buckley presiding.
Members Seymour Osman and Arthur Blanchette present and voting.